<u>REMARKS</u>

Applicants are amending claims 1 and 9, canceling claims 2-8 and 10-20, and adding new claims 21-38. For the Examiner's convenience, clean copies of amended claims 1 and 9 are shown in the attached Appendix. Applicants respectfully submit that no new matter is being added by these amendments.

<u>CLAIM OBJECTIONS</u>

In response to the Examiner's objections the Applicants amended claims 1 and 9 to more clearly describe the present invention. Applicants have cancelled claims 2-8 and 10-20.

<u>CLAIM REJECTIONS UNDER 35 U.S.C. § 112</u>

In section 8 of the Office Action, the Examiner rejected claims 1, 2, 4, 5, and 9-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner identified limitations in these claims as having insufficient antecedent basis. Applicants have amended claims 1 and 9, and cancelled claims 2, 4, 5 and 8-19. Applicants submit that each limitation in amended claims 1 and 9 has sufficient antecedent basis.

<u>CLAIM REJECTIONS UNDER 35 U.S.C. § 102</u>

In section 10 of the Office Action, the Examiner rejected claims 9 and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,694,358 to Swildens et al. (Swildens). Applicants have amended claim 9 and cancelled claim 12. To the extent that the rejection may be applied to amended claim 9, Applicants respectfully traverse.

Regarding claim 9, the Examiner stated that Swildens discloses a system for discovering associations between clients and local name servers. However, Swildens discloses "a method for operating a network of point of presence servers sharing a hostname." Swildens, col. 2, lines 23-25. This network of point of presence servers, or POP network, "selects the optimal server/servers for the user based on rules defined in the POP network configuration." There is no disclosure or teaching in Swildens for discovering associations between clients and local name servers.

Swildens does not disclose or teach a "name server monitor" associated with an authoritative name server and configured to create a "query record that includes a local name server identifier, an application server identifier, and a response timestamp" as recited in claim 9. Swildens also does not disclose or teach an "application server monitor" associated with an application server and configured to create a "request record that includes a client identifier, an application server identifier of the associated application server, and a request timestamp" as recited in claim 9. Swildens also does not disclose or teach a "discovery and monitoring manager configured to compare the query records and the request records" as recited in claim 9.

Thus, Swildens does not disclose all of the limitations recited in amended claim 9. Applicants respectfully submit that amended claim 9 is not anticipated by Swildens and is in condition for allowance. New claims 28-33 depend from claim 9, and are therefore allowable for at least the same reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In section 14 of the Office Action, the Examiner rejected claims 1, 10, 11, and 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Swildens in view of U.S. Published Patent Application No. 2001/0047415 to Skene et al. (Skene) and "Official Notice."

Applicants have amended claim 1 and cancelled claims 10, 11, and 13-20. To the extent that the rejection may be applied to amended claim 1, Applicants respectfully traverse.

As set forth above, Swildens discloses "a method for operating a network of point of presence servers sharing a hostname." Swildens, col. 2, lines 23-25. This network of point of presence servers, or POP network, "selects the optimal server/servers for the user based on rules defined in the POP network configuration." There is no disclosure or teaching in Swildens for discovering associations between clients and local name servers.

Skene discloses a system "for providing persistence across multiple requests in a WAN load-balanced environment." Skene, ¶ 8. Skene discloses an extended DNS server that load balances traffic and maintains information about requests from local domain name system servers. *Id.* There is no disclosure or teaching in Skene for discovering associations between clients and local name servers.

Neither Swildens nor Skene disclose "comparing query records and request records to find matching pairs of query records and request records, and associating the local name server address in the matching query record to the client address in the matching request record, a matching pair being defined as a first-identified pair of one of the query records and one of the request records for which the first application server identifier matches the second application server identifier and the response timestamp matches the request timestamp" as recited in claim 1. Skene discloses comparing a domain name and an LDNS IP address of a domain name resolution request to entries in a persistent connections data store (Skene, ¶ 73), but this does not teach or disclose "comparing query records and request matching pairs . . . for which the first application server identifier matches the second application server identifier and the response timestamp matches the request timestamp" as recited in claim 1. Further, the request record of claim 1 concerns a service request issued by a client, and the

persistent connection data store of Skene does not include any information regarding a service request issued by a client. *See* Skene, ¶ 68.

Neither Swildens nor Skene nor "Official Notice," alone or in combination, disclose all of the limitations of claim 1. Thus, claim 1 is non-obvious and in condition for allowance. New claims 21-27 depend from claim 1, and are therefore allowable for at least the same reasons.

NEW CLAIMS

Applicants have added new claims 21-38. To the extent that the cited references may be applied to the new claims, Applicants respectfully submit that none of the cited references, either alone or in combination, teach or disclose all of the limitations of claims 21-38.

Claims 21-27 depend from claim 1, and are therefore allowable for at least the same reasons. Claims 28-33 depend from claim 9, and are therefore allowable for at least the same reasons.

New claim 34 recites "associating the client with the local name server if the query record and the request record match, wherein the query record and the request record match if the application server identifier in the query record matches the application server identifier in the request record, the monitoring address in the query record matches the monitoring address in the request record, and the response timestamp matches the request timestamp." None of the cited references teach or disclose this limitation. Thus, none of the cited references, either alone or in combination, teach or disclose all the limitations of claim 34, and claim 34 is in condition for allowance. Claims 35-38 depend from claim 34, and are therefore allowable for at least the same reasons.
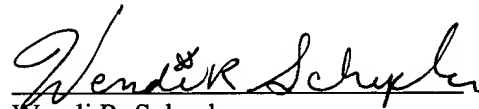
CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit that all pending claims in the present application are in condition for allowance and respectfully request the issuance of a Notice of Allowance. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Applicants' attorney at the number listed below.

Respectfully submitted,

Adam Grove et al.

Dated: 6/14/2006   By: _Wendi R. Schepler_

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